

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

SIXTEENTH LEGISLATIVE DAY
TUESDAY, JANUARY 21, 2003

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Marley, absent and formally excused by the Chair.

Prayer was offered by Chaplain Gene Arnold.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 20, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SR 101

BY JUDICIARY AND RULES COMMITTEE A SENATE RESOLUTION

STATING FINDINGS OF THE SENATE AND AMENDING
SENATE RULE 4.

Be It Resolved by the Senate of the State of Idaho:

WHEREAS, the Senate finds that it is in the interest of the Senate that Rule 4 of the Rules of the Senate be amended.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the First Regular Session of the Fifty-seventh Idaho Legislature, that Senate Rule 4 be, and the same is hereby amended to read as follows:

RULE 4

Order of Business.--(A) The Senate having been called to order at the hour to which it shall adjourn and a quorum being present, the order of business shall be as follows:

- (1) Roll Call
- (2) Prayer and Pledge of Allegiance
- (3) Reading and Correction of Journal
- (4) Reading of Communications
- (5) Presentation of Petitions, Resolutions and Memorials
- (6) Reports of Standing Committees
- (7) Reports of Special Committees
- (8) Consideration of Messages from the Governor
- (9) Consideration of Messages from the House of Representatives
- (10) Motions and Consideration of Petitions, Resolutions and Memorials
- (11) Introduction, First Reading and Reference of Bills, House Petitions, Resolutions and Memorials
- (12) Second Reading of Bills
- (13) Third Reading of Bills
- (14) Consideration of General Calendar
- (15) Miscellaneous Business

Special Orders.--(B) Any question brought before the Senate for consideration may be made a Special Order by a two-thirds majority vote. Unless otherwise ordered, Special Orders shall be taken up during the first call of the Fourteenth Order of Business and matters on Special Order shall be disposed of in rotation prior to call of the General Calendar. Whenever any matter is made a Special Order and the consideration thereof shall not be completed at that sitting, it shall be returned to and retain its place as a Special Order for the next call of the Fourteenth Order of Business or such other hour at the next session as may have been originally fixed.

SR 102

BY STATE AFFAIRS COMMITTEE A SENATE RESOLUTION

ESTABLISHING RATES OF COMPENSATION FOR
EMPLOYEES OF THE SENATE.

Be It Resolved by the Senate of the State of Idaho:

WHEREAS, Senate Rule 7(C) provides that the compensation of employees of the Senate shall be fixed by resolution of the Senate.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the First Regular Session of the Fifty-seventh Idaho Legislature, that the compensation of the various officers and employees of the Senate of the First Regular Session of the Fifty-seventh Idaho Legislature be fixed as follows:

1. Secretary of the Senate \$20.49 hourly
 2. Assistant Secretary of the Senate \$14.35 hourly
 3. Sergeant at Arms, Docket Clerk, Journal Clerk, Secretary to the Secretary of the Senate \$12.64 hourly
- Provided, however, that any person who is serving in their second year of such service shall be paid the hourly rate of \$12.96; and further provided that any person who is serving in their third year of such service shall be paid the hourly rate of \$13.43; and further provided that any person who is serving in their fourth or subsequent year of such service shall be paid the hourly rate of \$13.91.

4. Assistant to Assistant Majority Leadership and Caucus Chairman, Assistant to Minority Leadership, Minority Leadership Staff Assistant, Assistant Sergeant at Arms, Research Assistant Secretary, Secretary to State Affairs Committee, Secretary to Finance Committee, Secretary to Judiciary and Rules Committee, Secretary to Health and Welfare Committee, Secretary to Education Committee, Secretary to Agricultural Affairs Committee, Secretary to Commerce and Human Resources Committee, Secretary to Resources and Environment Committee, Secretary to Local Government and Taxation Committee, Secretary to Transportation Committee, Pool Secretaries, Chief Mail Clerk, Lounge Hostesses \$10.57 hourly
Provided, however, that any person who is serving in their second year of such service shall be paid the hourly rate of \$11.10; and further provided that any person who is serving in their third year of such service shall be paid the hourly rate of \$11.36; and further provided that any person who is serving in their fourth or subsequent year of such service shall be paid the hourly rate of \$11.63.
5. Mail Clerks, Senate Doorkeeper \$9.43 hourly
Provided, however, that any person who is serving in their second year of such service shall be paid the hourly rate of \$9.89; and further provided that any person who is serving in their third year of such service shall be paid the hourly rate of \$10.14; and further provided that any person who is serving in their fourth or subsequent year of such service shall be paid the hourly rate of \$10.36.
6. Pages, Messengers \$ 5.65 hourly
7. Chaplain \$17.45 hourly

SR 101 and **SR 102** were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 20, 2003

The STATE AFFAIRS Committee reports out **H 1** with the recommendation that it do pass.

SORENSEN, Chairman

H 1 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

January 20, 2003

Mr. President:

I transmit herewith **H 68** and **H 69** which have passed the House.

JUKER, Chief Clerk

H 68 and **H 69** were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1014

BY FINANCE COMMITTEE AN ACT

RELATING TO THE APPROPRIATION FOR THE DIVISION OF VETERANS SERVICES; AMENDING SECTION 1, CHAPTER 239, LAWS OF 2002, TO REVISE SPENDING AUTHORITY BETWEEN FUND SOURCES FOR FISCAL YEAR 2003; AND DECLARING AN EMERGENCY.

S 1015

BY JUDICIARY AND RULES COMMITTEE AN ACT

RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT; AMENDING SECTION 7-1001, IDAHO CODE, TO DEFINE TERMS AND TO REVISE DEFINITIONS; AMENDING SECTION 7-1003, IDAHO CODE, TO PROVIDE THAT THE REMEDIES PROVIDED IN THE CHAPTER DO NOT AFFECT CERTAIN OTHER LAWS AND TO LIMIT APPLICATION OF THE CHAPTER; AMENDING SECTION 7-1004, IDAHO CODE, TO REMOVE LANGUAGE PROVIDING FOR PERSONAL JURISDICTION IN PROCEEDINGS TO MODIFY SUPPORT ORDERS, TO LIMIT THE USE OF BASES FOR PERSONAL JURISDICTION IN PROCEEDINGS TO MODIFY CHILD SUPPORT ORDERS OF OTHER STATES UNLESS CERTAIN REQUIREMENTS ARE MET, TO MAKE A GRAMMATICAL CORRECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 7-1005, IDAHO CODE, TO REMOVE LANGUAGE PROVIDING FOR A PROCEDURE FOR TRIBUNALS WHEN EXERCISING JURISDICTION OVER NONRESIDENTS AND TO SET FORTH PROVISIONS RELATING TO THE DURATION OF PERSONAL JURISDICTION; AMENDING SECTION 7-1007, IDAHO CODE, TO REMOVE DESCRIPTIVE LANGUAGE; AMENDING SECTION 7-1008, IDAHO CODE, TO PROVIDE DESCRIPTIVE LANGUAGE AND TO REVISE PROVISIONS RELATING TO CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY CHILD SUPPORT ORDERS; AMENDING SECTION 7-1009, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE, TO REVISE PROVISIONS RELATING TO CONTINUING JURISDICTION TO ENFORCE CHILD SUPPORT ORDERS AND TO REMOVE LANGUAGE RELATING TO THE MODIFICATION OF SPOUSAL SUPPORT ORDERS; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1009A, IDAHO CODE, TO PROVIDE FOR APPLICATION OF THE CHAPTER TO NONRESIDENTS SUBJECT TO PERSONAL JURISDICTION; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1009B, IDAHO CODE, TO PROVIDE FOR CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY SPOUSAL SUPPORT ORDERS; AMENDING SECTION 7-1010, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE AND TO REVISE PROVISIONS RELATING TO THE DETERMINATION OF CONTROLLING CHILD

SUPPORT ORDERS; AMENDING SECTION 7-1011, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE AND TO REMOVE LANGUAGE REFERENCING MULTIPLE REGISTRATIONS, PETITIONS OR ORDERS; AMENDING SECTION 7-1012, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CREDIT FOR PAYMENTS OF CHILD SUPPORT; AMENDING SECTION 7-1013, IDAHO CODE, TO REMOVE LANGUAGE SETTING FORTH PROCEEDINGS TO WHICH THE CHAPTER APPLIES AND TO MAKE A GRAMMATICAL CHANGE; AMENDING SECTION 7-1014, IDAHO CODE, TO MAKE A GRAMMATICAL CHANGE; AMENDING SECTION 7-1015, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE APPLICATION OF STATE LAW; AMENDING SECTION 7-1016, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DUTIES OF THE INITIATING TRIBUNAL; AMENDING SECTION 7-1017, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DUTIES AND POWERS OF THE RESPONDING TRIBUNAL; AMENDING SECTION 7-1018, IDAHO CODE, TO PROVIDE A REFERENCE TO TRIBUNALS; AMENDING SECTION 7-1019, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DUTIES OF THE SUPPORT ENFORCEMENT AGENCY; AMENDING SECTION 7-1020, IDAHO CODE, TO REMOVE LANGUAGE PROVIDING FOR DUTIES OF THE ATTORNEY GENERAL AND TO PROVIDE FOR DUTIES OF APPROPRIATE STATE OFFICIALS OR AGENCIES; AMENDING SECTION 7-1022, IDAHO CODE, TO REVISE DUTIES OF THE STATE INFORMATION AGENCY; AMENDING SECTION 7-1023, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PLEADINGS AND ACCOMPANYING DOCUMENTS; AMENDING SECTION 7-1024, IDAHO CODE, TO REVISE PROVISIONS RELATING TO NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL CIRCUMSTANCES; AMENDING SECTION 7-1026, IDAHO CODE, TO PROVIDE CLARIFYING LANGUAGE AND TO PROVIDE THAT IMMUNITY DOES NOT EXTEND TO CIVIL LITIGATION BASED ON CERTAIN ACTS COMMITTED BY A PARTY WHILE PHYSICALLY PRESENT IN THIS STATE; AMENDING SECTION 7-1028, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SPECIAL RULES OF EVIDENCE AND PROCEDURE; AMENDING SECTION 7-1029, IDAHO CODE, TO PROVIDE REFERENCE TO FOREIGN COUNTRIES AND POLITICAL SUBDIVISIONS AND TO PROVIDE THAT TRIBUNALS MAY COMMUNICATE IN A RECORD; AMENDING SECTION 7-1031, IDAHO CODE, TO REVISE PROVISIONS RELATING TO RECEIPT AND DISBURSEMENT OF PAYMENTS; AMENDING SECTION 7-1032, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PETITIONS TO ESTABLISH SUPPORT ORDERS; AMENDING SECTION 7-1033, IDAHO CODE, TO PROVIDE THAT AN INCOME-WITHHOLDING ORDER ISSUED IN ANOTHER STATE MAY BE SENT BY OR ON BEHALF OF THE OBLIGEE OR BY THE SUPPORT ENFORCEMENT AGENCY AND TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 7-1034, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN EMPLOYER'S COMPLIANCE WITH AN INCOME-WITHHOLDING ORDER OF ANOTHER STATE; AMENDING SECTION 7-1035, IDAHO CODE, TO PROVIDE DESCRIPTIVE LANGUAGE AND TO REVISE PROVISIONS RELATING TO AN

EMPLOYER'S COMPLIANCE WITH TWO OR MORE INCOME-WITHHOLDING ORDERS; AMENDING SECTION 7-1036, IDAHO CODE, TO MAKE GRAMMATICAL CHANGES; AMENDING SECTION 7-1038, IDAHO CODE, TO REVISE PROVISIONS RELATING TO OBLIGOR CONTESTS OF INCOME-WITHHOLDING ORDERS; AMENDING SECTION 7-1039, IDAHO CODE, TO PROVIDE A REFERENCE TO SUPPORT ENFORCEMENT AGENCIES; AMENDING SECTION 7-1040, IDAHO CODE, TO MAKE A GRAMMATICAL CORRECTION; AMENDING SECTION 7-1041, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PROCEDURES TO REGISTER SUPPORT OR INCOME-WITHHOLDING ORDERS FOR ENFORCEMENT; AMENDING SECTION 7-1043, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CHOICE OF LAW; AMENDING SECTION 7-1044, IDAHO CODE, TO REVISE PROVISIONS RELATING TO NOTICE OF REGISTRATION OF AN ORDER; AMENDING SECTION 7-1046, IDAHO CODE, TO PROVIDE REFERENCE TO ALLEGED ARREARAGES AND TO INCLUDE AS A DEFENSE TO AN ORDER THAT THE ALLEGED CONTROLLING ORDER IS NOT THE CONTROLLING ORDER; AMENDING SECTION 7-1049, IDAHO CODE, TO PROVIDE CODE REFERENCES; AMENDING SECTION 7-1050, IDAHO CODE, TO REVISE PROVISIONS RELATING TO MODIFICATION OF CHILD SUPPORT ORDERS OF OTHER STATES; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1050A, IDAHO CODE, TO PROVIDE FOR JURISDICTION TO MODIFY CHILD SUPPORT ORDERS OF FOREIGN COUNTRIES OR POLITICAL SUBDIVISIONS; AMENDING SECTION 7-1051, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE RECOGNITION OF ORDERS MODIFIED IN OTHER STATES; AMENDING SECTION 7-1052, IDAHO CODE, TO REVISE PROVISIONS RELATING TO JURISDICTION TO MODIFY SUPPORT ORDERS OF OTHER STATES WHEN INDIVIDUAL PARTIES RESIDE IN THIS STATE; AMENDING SECTION 7-1053, IDAHO CODE, TO MAKE GRAMMATICAL CHANGES; AMENDING SECTION 7-1054, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PROCEEDINGS TO DETERMINE PARENTAGE; AMENDING SECTION 7-1055, IDAHO CODE, TO MAKE A GRAMMATICAL CHANGE; AMENDING SECTION 7-1056, IDAHO CODE, TO MAKE A GRAMMATICAL CORRECTION AND TO REMOVE REFERENCE TO OTHER LAWS; AND AMENDING SECTION 7-1057, IDAHO CODE, TO REVISE PROVISIONS RELATING TO UNIFORMITY OF APPLICATION AND CONSTRUCTION.

**S 1016
BY JUDICIARY AND RULES COMMITTEE
AN ACT**

RELATING TO CHILD WITNESS TESTIMONY; REPEALING SECTION 19-3024A, IDAHO CODE; AMENDING TITLE 9, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 18, TITLE 9, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR APPLICABILITY, TO PROVIDE FOR A HEARING TO DETERMINE WHETHER TO ALLOW TESTIMONY BY AN ALTERNATIVE METHOD, TO SET FORTH STANDARDS FOR DETERMINING WHETHER A

CHILD WITNESS' TESTIMONY MAY BE PRESENTED BY AN ALTERNATIVE METHOD, TO SET FORTH FACTORS FOR DETERMINING WHETHER TO PERMIT AN ALTERNATIVE METHOD, TO PROVIDE FOR AN ORDER REGARDING TESTIMONY BY AN ALTERNATIVE METHOD AND TO PROVIDE FOR THE RIGHT OF PARTIES TO EXAMINE A CHILD WITNESS; AND PROVIDING SEVERABILITY.

S 1017
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO MOTOR VEHICLE INSURANCE; AMENDING SECTION 49-1229, IDAHO CODE, TO PROVIDE THAT FAILURE TO INSURE A MOTOR VEHICLE SHALL CONSTITUTE A MISDEMEANOR, TO PROVIDE ENHANCED PENALTIES FOR A SECOND OR SUBSEQUENT VIOLATION, TO PROVIDE FOR AN ORDER OF RESTITUTION IN CERTAIN INSTANCES, TO PROVIDE FOR CANCELLATION OF VEHICLE REGISTRATION UPON A CONVICTION OR FINDING OF GUILT FOR VIOLATING THE PROVISIONS OF THE SECTION AND TO PROVIDE NOTICE TO THE OWNER OF THE VEHICLE IF THE PERSON CONVICTED OR FOUND GUILTY IS NOT THE OWNER; AMENDING SECTION 49-1230, IDAHO CODE, TO PROVIDE THAT UPON THE COURT'S ORDER THE IDAHO TRANSPORTATION DEPARTMENT SHALL CANCEL THE REGISTRATION OF A VEHICLE OWNED OR OPERATED BY A PERSON CONVICTED OR FOUND GUILTY OF FAILURE TO PROVIDE INSURANCE OR OF OPERATING A VEHICLE WITHOUT INSURANCE; AND AMENDING SECTION 49-1428, IDAHO CODE, TO PROVIDE THAT IT IS A MISDEMEANOR FOR ANY OWNER OF A MOTOR VEHICLE TO PERMIT OPERATION OF THE VEHICLE WITHOUT INSURANCE, TO PROVIDE ENHANCED PENALTIES FOR A SECOND OR SUBSEQUENT VIOLATION, TO PROVIDE FOR AN ORDER OF RESTITUTION IN CERTAIN INSTANCES, TO PROVIDE FOR CANCELLATION OF REGISTRATION UPON A CONVICTION OR FINDING OF GUILT FOR VIOLATION OF THE SECTION AND TO PROVIDE NOTICE TO THE VEHICLE OWNER IF THE PERSON CONVICTED OR FOUND GUILTY OF OPERATING THE UNINSURED VEHICLE IS NOT THE OWNER.

S 1018
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO MOTOR VEHICLE INSURANCE; AMENDING SECTION 49-1229, IDAHO CODE, TO PROVIDE THAT FAILURE TO INSURE A MOTOR VEHICLE SHALL CONSTITUTE A MISDEMEANOR, TO PROVIDE INCREASED PENALTIES FOR SECOND AND SUBSEQUENT VIOLATIONS AND TO PROVIDE FOR ORDERS OF RESTITUTION IN CERTAIN INSTANCES; AND AMENDING SECTION 49-1428, IDAHO CODE, TO PROVIDE THAT IT IS A MISDEMEANOR FOR ANY OWNER OF A MOTOR VEHICLE TO PERMIT OPERATION OF THE VEHICLE WITHOUT INSURANCE, TO PROVIDE FOR INCREASED PENALTIES FOR A SECOND AND SUBSEQUENT VIOLATION AND TO PROVIDE FOR AN ORDER OF RESTITUTION IN CERTAIN INSTANCES.

S 1019
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO LICENSE FEES FOR THE PRACTICE OF LAW; AMENDING SECTION 3-409, IDAHO CODE, TO STRIKE OBSOLETE VERBIAGE, TO CORRECT A DESIGNATION, TO INCREASE THE MAXIMUM AMOUNT OF A CERTAIN ASSESSMENT IMPOSED ON MEMBERS OF THE IDAHO STATE BAR AND TO MAKE TECHNICAL CORRECTIONS.

S 1020
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE STATE LIQUOR ACT; AMENDING SECTION 23-404, IDAHO CODE, TO PROVIDE FOR THE TRANSFER OF FUNDS TO THE IDAHO STATE POLICE ALCOHOLIC BEVERAGE CONTROL FUND FOR USE IN THE ADMINISTRATION, EDUCATION AND ENFORCEMENT OF THE ALCOHOLIC BEVERAGE LAWS AND TO CREATE THE FUND.

S 1021
BY LOCAL GOVERNMENT AND TAXATION
COMMITTEE
AN ACT

RELATING TO ASSESSMENT OF REAL AND PERSONAL PROPERTY; AMENDING SECTION 63-314, IDAHO CODE, TO SPECIFY A TIMELINE FOR THE APPRAISAL OF ALL TAXABLE PROPERTY IN A COUNTY.

S 1014, S 1015, S 1016, S 1017, S 1018, S 1019, S 1020, and **S 1021** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 68 and **H 69**, by Mr. Speaker, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1001, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:50 a.m. until the hour of 11 a.m., Wednesday, January 22, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary